

BOARD OF APPEALS CASE NO. 4908

APPLICANT: Mike Duffy

REQUEST: Variance to construct an addition within the required rear yard setback; 803 Oaklawn Drive, Forest Hill

HEARING DATE: May 26, 1999

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BEFORE THE

ZONING HEARING EXAMINER

OF HARFORD COUNTY

Hearing Advertised

Aegis: 4/7/99 & 4/14/99

Record: 4/9/99 & 4/16/99

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### ZONING HEARING EXAMINER'S DECISION

The Applicant, Mike Duffy, appeared before the Hearing Examiner requesting a variance to Section 267-36(B), Table V, of the Harford County Code, to construct an addition within the required 35 foot rear yard setback in an R2/COS District.

The subject parcel is located at 803 Oaklawn Drive in the Third Election District. The parcel is identified as Parcel No. 321, in Grid 2-D, on Tax Map 40. The parcel contains .173 acres, more or less, all of which is zoned R2/COS.

Mr. Mike Duffy appeared and testified that he is requesting a variance to reduce the required 35 foot rear yard setback to 29 feet in order to construct a storage area under an existing deck. The Applicant said the storage area will be for swimming pool supplies and that the area will be 10 feet by 14 feet. The Applicant said that the subject parcel is unique because of the existing topography and exceptional narrowness of the parcel. The Applicant said that the homeowners association has disapproved a free-standing storage shed, but will approve an enclosed area under the deck for storage. The Applicant said he did not feel approval of the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because the enclosed area will not be visible under the deck.

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Mr. Anthony McClune, Chief of Current Planning for the Department of Planning and Zoning, appeared and testified that the Staff had reviewed the Applicant's request and found that the Applicant's request is minor in nature and that the storage structure should have little or no impact on the intent of the Code and or adjacent properties.

**CONCLUSION:**

The Applicant is requesting a variance to Section 267-36(B), Table V, of the Harford County Code, which requires a 35 foot rear yard setback in an R2/COS District. The Applicant testified he was requesting a variance to reduce the required setback to 29 feet in order to enclose an area under an existing deck for storage of swimming pool supplies. The Applicant said the subject parcel is unique due to topography and that he did not feel that the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code.


Mr. Anthony McClune testified that the variance is minor in nature and approval should have little or no impact on the intent of the Code and/or adjacent properties.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in his testimony and, further, that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance to reduce the rear yard to 29 feet be approved, subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections for the construction of the storage area under the existing deck.
2. The enclosed storage area shall not be used in the furtherance of a business or used as living quarters.

Date JUNE 11, 1999

  
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L. A. Hinderhofer  
Zoning Hearing Examiner